



## MARTEN LAW

May 8, 2020

### **Via FOIAonline**

Regional Freedom of Information Officer  
U.S. EPA, Region 6  
1445 Ross Avenue (6MD-OE)  
Dallas, Texas 75202-2733

Re: Freedom of Information Act Request for Documents

Dear Region 6 FOIA Officer:

On behalf of Doña Ana County, New Mexico and the City of Las Cruces, New Mexico, and pursuant to the Freedom of Information Act, 5 U.S.C. § 552, we request electronic copies of certain documents as identified below.

Our office represents Doña Ana County and the City of Las Cruces in connection with the cleanup of the Griggs and Walnut Ground Water Plume Superfund Site (NM0002271286) located in Las Cruces, New Mexico.

Marten LLP will accept responsibility for payment of reasonable costs to process this request. To that end, please provide us with the amount of such estimated or actual costs before fulfilling the request at your earliest convenience.<sup>1</sup>

Please provide these records within 20 working days, as required by 5 U.S.C. § 552. Please also contact us if any portion of this request is unclear or requires clarification, as we would be happy to discuss ways to process this request that may require less cost or time. If you are unable to meet the 20 day deadline required by the statute, Marten LLP will accept rolling releases of documents in response to this request, but asks that you contact us to provide a schedule of rolling releases.

Pursuant to the above, please provide us with copies of any and all documents and information, whether in electronic or hardcopy form, for the following:

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<sup>1</sup> Please note that Marten Law represents the City and County, and therefore, should be categorized as an “other requester” for purposes of this request, not commercial.

## **Definitions**

“American Linen” refers to American Linen Supply of New Mexico, Inc., a New Mexico corporation, located at 550 N. Church Street, Las Cruces, NM, 88001, RCRA ID No. NMR000015594.

“The City” refers to the City of Las Cruces, a New Mexico municipality within the boundaries of Doña Ana County.

“The County” refers to the Doña Ana County, a political and administrative division in the southern portion of New Mexico.

“Document” means all writings of any kind, including but not limited to the originals and all non-identical copies (whether different from the originals by reason of any notation made on such copies or otherwise) of correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, interoffice and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications), bulletins, printed matter, computer printouts, teletypes, telefax, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical or electric records or representations of any kind (including, without limitation, electronic documents, tapes, cassettes, discs, and recordings), all electronically stored information (“ESI”), and all drafts, alterations, modifications, changes and amendments of any of the foregoing.

“You” or “your” shall mean the United States Environmental Protection Agency (“EPA”), or any past or present division, affiliate, or related body, the party to whom these requests are addressed, and any agent, employee, or representative of EPA, including (a) experts, (b) consultants, (c) contractors or vendors, (d) attorneys retained by EPA and (e) other persons who have access to the requested information and from whom EPA can obtain such information.

“PRP” refers to a ‘Potentially Responsible Person, and is defined by CERCLA to be any individual or organization (including owners operators, transporters or generators) who may be responsible for, or contributed to, a release (defined by 42 U.S.C. § 9601(14) to include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing) of a hazardous substance or other contamination at a site.

The “Site” shall mean the Griggs and Walnut Ground Water Plume Superfund Site (EPA designation NM0002271286) located in Las Cruces, New Mexico.

## **Document Requests**

1. Please provide all documents in your possession or control related to American Linen Supply of New Mexico, Inc., defined above as “American Linen.”

In particular, we request the following:

- All RCRA generator documents, information, manifests, inspection reports, compliance reports, hazardous waste documentation, or any other documentation of environmental management or environmental compliance;
  - Any and all other documents related to environmental compliance, including any enforcement actions or data, any Clean Water Act, Clean Air Act, or other environmental permitting data, any emergency notification or spill plans, or any other documents or information related to American Linen's environmental compliance or permitting.
2. Any and all documents, communications, correspondence, or similar materials mentioning, discussing, or containing the keywords "American Linen" or "American Linen Supply" related in any way to the Site, including but not limited to any data, samples, or material supporting referencing American Linen as a potential source of contamination at the Site;
  3. Any and all internal communications, correspondence, or documents discussing the determination, identification, or elimination of American Linen or any other dry cleaner or laundry as a PRP at the Site.

You may contact the undersigned to discuss search terms, custodians, or other information that may assist you in processing this request. To the extent that you claim any document or portion of document as exempt from disclosure, we request that you release all reasonably segregable portions of any such document, with a clear designation of volume of information withheld and basis for any withholding. *See* 40 C.F.R. 2.104(h). In addition, to the extent that you believe any record may be withheld in full as exempt, we ask for a listing or index of such records and the basis for any withholding. Please contact the undersigned directly at 503-241-2650 or [jhammitt@martenlaw.com](mailto:jhammitt@martenlaw.com).

Sincerely,



Jennifer J. Hammitt

cc: City of Las Cruces  
Doña Ana County